IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

CRP.No. 786 of 2007()

OS.186/2000 of MUNSIFF COURT, KODUNGALLUR

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REVN. PETITIONER: DEFENDANTS 1 TO 11:

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1. GANGAMMA,
   W/O. LATE NARASIMHAN EMBRANTHIRI, KAROOR MADAM,
   LOKAMALESWARAM VILLAGE AND DESOM,KODUNGALLUR TALUK

2. KRISHNAN,
   S/O. LATE NARASIMHAN EMBRANTHIRI -DO- -DO-.

3. RAJAMMA BALAKRISHNAN, D/O. LATE -DO--DO-

4. JALAJA VENKITAKRISHNAN,
   D/O. LATE -DO- -DO-.

5. RAJAGOPALAN, S/O. LATE -DO- -DO-.

6. SETHUMADHAVAN, S/O. -DO- -DO-.

7. SATHYABHAMA VENKITARAMAN,
   S/O. -DO- -DO-.

8. UPENDRAN, S/O. -DO- -DO-.

9. KAMLAKSHI, D/O. -DO- -DO-.

10. SARASWATHY, D/O. -DO- -DO-.

11. SREENIVASAN, S/O. -DO- -DO-.

BY ADV. SRI.K.S.BHARATHAN
SRI.MANOJ SUBRAMANIAN

RESPONDENTS: PLAINTIFF & DEFENDANTS 12 & 13:

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1. NANDAKUMAR, S/O.KAROOR KAMALAMMA,

LOKAMALESWARAM VILLAGE, KODUNGALLUR TALUK.

2. SATHI, D/O. KAROOR VEETTIL THANKAM @ GOURIYAMMA, LOKAMALESWARAM VILLAGE, KODUNGALLUR TALUK.

3. VENUGOPALAN, S/O.KAROOR VEETTIL THANKAM @ GOURIYAMMA, LOKAMALESWARAM VILLAGE, KODUNGALLUR TALUK.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

M.Sasidharan Nambiar,J.

C.R.P.No.786 of 2007

Dated this the 23rd day of August, 2007

O.R.D.E.R

This revision petition is filed challenging the order of the Munsiff, Kodungallur against the finding on an issue regarding maintainability of the suit. Learned Munsiff has not decided the issue and has only held that it is a mixed question of fact and law and can be decided only on evidence. No revision will lie as no finding is rendered on issue No.1. Hence petition is dismissed with liberty to the revision petitioners to challenge the order in appropriate proceedings.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH,2006